

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Mylan N.V. Securities Litigation

Case No. 1:16-CV-07926 (JPO)

Abu Dhabi Investment Authority,

v.

Mylan N.V., *et al.*

Case No. 1:20-CV-01342 (JPO)

**JOINT STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT
DISCOVERY AND DISPOSITIVE MOTIONS**

WHEREAS, on April 7, 2021, this Court entered a revised Scheduling Order in the above-captioned actions (ECF No. 225 in Case No. 1:16-CV-07926) pursuant to which initial expert disclosures were due in the above-captioned action on May 3, 2021, rebuttal expert reports were due on June 7, 2021 and expert discovery closed on June 28, 2021;

WHEREAS, on April 28, 2021, this Court entered a revised Scheduling Order in the above-captioned actions (ECF No. 245 in Case No. 1:16-CV-07926) pursuant to which initial expert disclosures were due on May 12, 2021, rebuttal reports were due on June 30, 2021 and expert discovery closed on July 21, 2021;

WHEREAS, on May 12, 2021, the class action plaintiffs (“Class Plaintiffs”) and Abu Dhabi Investment Authority (together, “Plaintiffs”) served six (6) initial expert reports;

WHEREAS, on June 29, 2021, Defendants noticed the deposition of Plaintiffs’ experts between July 9, 2021 and July 19, 2021;

WHEREAS, on June 30, 2021, Defendants served twelve (12) expert rebuttal reports;

WHEREAS, there are only fifteen (15) business days between the date Defendants served their expert rebuttal reports (June 30) and the close of expert discovery (July 21) which is insufficient time for Plaintiffs and Defendants (together, the “Parties”) to depose fifteen (15) witnesses;

WHEREAS, Plaintiffs sought a three-week extension to complete expert depositions;

WHEREAS, the Parties met and conferred between July 1, 2021 and July 7, 2021 and agreed that, accordingly, a three-week extension to the current case schedule was appropriate;

WHEREAS, the Parties also met and conferred on a briefing schedule for dispositive motions and Class Plaintiffs have indicated that they may bring a cross-motion addressing the same or overlapping issue concerning fewer than all of the elements of one of the causes of action concerning one of the Plaintiffs’ three underlying substantive allegations (*i.e.* classification of EpiPen, EpiPen competition and Generic drug competition); the Parties agreed to a schedule that comports with the Court’s Individual Rule E(iv) regarding seriatim briefing;

IT IS HEREBY STIPULATED AND AGREED by and between the Parties, through their undersigned counsel, as follows:

1. The schedule for expert discovery is modified as follows:
 - a. Expert discovery closes on August 11, 2021.
2. Per the Court’s Individual Rule E(iv), the schedule for dispositive motion briefing is set as follows:
 - a. Defendants shall file any dispositive motion by September 1, 2021;
 - b. Plaintiffs shall file their opposition to any dispositive motion and their own cross-motion on fewer than all of the elements of one of the causes of action

concerning one of the Plaintiffs' three underlying substantive allegations, if any, by October 18, 2021;

c. Defendants shall file their reply in support of any dispositive motion and in opposition to the Plaintiffs' limited-scope cross-motion, if any, by November 17, 2021;

d. If applicable, Plaintiffs shall file their reply in support of their limited-scope cross-motion by December 7, 2021.

3. Should Plaintiffs' cross-motion move on more than two of the elements of one of the causes of action concerning one of the Plaintiffs' three underlying substantive allegations, Defendants reserve the right to request further modification of the schedule to permit Defendants sufficient time to draft and file their reply in support of their dispositive motion and in opposition to the Plaintiff's limited-scope cross-motion.

STIPULATED AND AGREED TO BY:

Dated: July 19, 2021

POMERANTZ LLP

by s/ Jeremy A. Lieberman
Jeremy A. Lieberman
Austin P. Van
600 Third Avenue, 20th Floor
New York, New York 10016
Tel: (212) 661-1100
jalieberman@pomlaw.com
avan@pomlaw.com

Class Counsel

CRAVATH, SWAINE & MOORE LLP

by s/ David R. Marriott
David R. Marriott
Kevin J. Orsini
Rory A. Leraris
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
Tel: (212) 474-1000
dmarriott@cravath.com
korsini@cravath.com
rleraris@cravath.com

Counsel for Defendants

**ROBBINS GELLER RUDMAN & DOWD
LLP**

by s/ Luke O. Brooks

Luke O. Brooks
Angel P. Lau
Erika Oliver
Ting H. Liu
Matthew Alpert
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 231-1058
lukeb@rgrdlaw.com
alau@rgrdlaw.com
eoliver@rgrdlaw.com
tliu@rgrdlaw.com
malpert@rgrdlaw.com

**ROBBINS GELLER RUDMAN & DOWD
LLP**

Samuel H. Rudman
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: (631) 367-7100
srudman@rgrdlaw.com

*Counsel for Abu Dhabi Investment
Authority*

SO ORDERED.

Dated:

New York, New York

J. PAUL OETKEN
United States District Judge